

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANDREW T. WELLS,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 09-cv-30-JPG
vs.)	
)	CRIMINAL NO. 03-cr-40079
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court on Petitioner's Notice of Appeal (Doc. 6). The Court construes the Notice of Appeal as a request for a Certificate of Appealability. *See* Fed. R. App. Proc. 22(b)(1). For the reasons stated below, the request for a Certificate of Appealability is denied.

Pursuant to 28 U.S.C. § 2253, a certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Further, Section 2253(c)(3) provides: "The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2)." The Court finds that Petitioner has not made "a substantial showing of the denial of a constitutional right." Accordingly, the motion for a certificate of appealability is **DENIED**.

IT IS SO ORDERED.

Dated: January 19, 2010.

s/ J. Phil Gilbert
U. S. District Judge